

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
N&S/S Hillside Road at Keller Ave.  
{1702, 1706 & 1708 Hillside Ave.)\* DEPUTY ZONING COMMISSIONER  
3rd Election District  
3rd Councilmanic District \* OF BALTIMORE COUNTY  
  
Clark Farm Associates \* Case No. 99-53-SPH  
Petitioners  
\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Clark Farm Associates, by Juliana C. Watts, through their attorney, John P. Machen, Esquire. The Petitioners seek alternative relief as follows: 1) The Petitioners request approval of three existing dwellings, known as 1702, 1706 and 1708 Hillside Avenue and located on the property identified as Item 1 on the site plan marked as Alternative A, as legal and nonconforming, and confirmation that the proposed subdivision will not affect their nonconforming status; or, in the alternative, the relinquishment of one building right from an adjacent parcel, identified as Item 2 on the site plan marked as Alternative B, to support an existing nonconforming dwelling on Item 1, and the relinquishment of two building rights from another adjacent parcel, identified as Item 3 on the site plan marked as Alternative B, to support the two other existing nonconforming dwellings on Item 1. The subject property and relief sought are more particularly described on the respective site plans submitted into evidence as Alternatives A and B, and marked as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition were Juliana C. Watts and her brother, Dr. Gaylord Clark, Jr., partners of Clark Farm Associates, and Dr. Clark's wife, Margery Clark. Also appearing on behalf of the Petition was Bruce Doak, a Property Line Surveyor with Gerhold,

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Date

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Preliminary discussions at the hearing determined that the alternative relief sought, pursuant to Alternative B, was not necessary and that the three existing dwellings, known as 1702, 1706 and 1708 Hillside Road met the requirements for a nonconforming use. Therefore, the special hearing relief, pursuant to Alternative B, was dismissed and the hearing proceeded on the request, pursuant to Alternative A.

- 2 -

who now reside on the property, on February 27, 1981. The property at issue concerns the remaining 107 acres which surround the two parcels described above. The Petitioners are desirous of subdividing this property, identified as Item 1 on the site plan, to create two separate parcels. One parcel will contain 63 acres and is to be conveyed to Dr. Maumenee, who owns the adjoining 20-acre parcel. The 63-acre parcel has one density unit associated with it and thus, Dr. Maumenee has the right to construct one single family dwelling thereon. Dr. Maumenee does not have to merge this 63-acre parcel with the 20-acre parcel she already owns, and the 63-acre parcel may remain a separate lot of record. The remaining 44 acres along with the three nonconforming dwellings will be conveyed to Dr. & Mrs. Clark and will likewise remain a separate lot of record. Dr. Clark submitted into evidence as Petitioner's Exhibit 2, an affidavit evidencing the nonconforming use of the three cottages on the property and the names of the tenants for each and their years of occupancy over the past century. The testimony and evidence presented was overwhelming that the three houses have existed on the property for many years and have been used as tenant dwellings since prior to 1945, the year in which the Baltimore County Zoning Regulations were enacted. The Petitioners request that the three rental cottages be permitted to remain as they presently exist and be allowed to continue to operate as rental units.

It should also be noted that a portion of the 44-acre parcel to be conveyed to Dr. and Mrs. Clark extends to the south side of Hillside Road, at which point the zoning of the property changes to R.C.5. Based on the testimony and evidence presented by Mr. Doak, that portion of the property located on the south side of Hillside Road has seven (7) density units associated therewith. This finding is being made in that Dr. and

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Mrs. Clark propose to convey the entire 44-acre parcel to the Maryland Environmental Trust (MET) for preservation. The value of this transfer into the MET is dependent upon the number of density units associated therewith. Therefore, based upon the size of this portion of the property and its R.C.5 zoning classification, I find that seven (7) density units are associated with this portion of the property.

Further testimony revealed that the Petitioners have worked closely with their neighbors and the Valleys Planning Council to fully explain their intentions behind this special hearing request. It is clear that the Petitioners merely wish to subdivide the property as described above and legitimize conditions which have existed thereon for many years. As noted above, no one attended the hearing in opposition to the request; thus, it appears that the relief requested can be granted without causing any detriment to the surrounding locale.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

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When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.


After due consideration of the testimony and evidence presented, it is clear that the three single family dwellings have existed on the property for many years and have been used continuously and without interruption as rental cottages since prior to January 2, 1945. As such, the three dwellings are legal and nonconforming uses and shall be permitted to remain as they presently exist. Furthermore, it is clear from the testimony and evidence presented that the proposed subdivision of the overall tract into two separate lots of record will not affect the nonconforming use of these dwellings.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested, pursuant to Alternative A, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1<sup>st</sup> day of October, 1998 that the Petition for Special Hearing seeking approval of three existing dwellings, known as 1702, 1706 and 1708 Hillside Avenue and located on the property identified as Item 1 on the site plan marked as Alternative A, as legal and nonconforming, and confirmation that the proposed subdivision, in accordance with Petitioner's Exhibit 1, will not affect their nonconforming status, be and is hereby GRANTED, subject to the following restrictions:

1) Pursuant to Section 502.2 of the B.C.Z.R., new deeds evidencing the conveyance of the 44-acre parcel containing the three nonconforming rental cottages from Clark Farm Associates to Dr. & Mrs. Gaylord Clark, and the transfer of the 63-acre parcel, which contains one (1) density unit associated therewith, from Clark Farm Associates to Dr. Irene Maumenee, shall be recorded in the Land Records of Baltimore County within sixty (60) days of the date of this Order. Said deeds shall incorporate a reference to this case and the restrictions and conditions set forth herein. A copy of the recorded deeds shall be forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

2) When applying for any building permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
10/1/98  
1998

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
N&S/S Hillside Road at Keller Ave.  
(1702, 1706 & 1708 Hillside Ave.)\* DEPUTY ZONING COMMISSIONER  
3rd Election District  
3rd Councilmanic District \* OF BALTIMORE COUNTY  
  
Clark Farm Associates \* Case No. 99-53-SPH  
Petitioners  
\* \* \* \* \*

AMENDED ORDER

WHEREAS, this matter came before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Clark Farm Associates, by Juliana C. Watts, through their attorney, John P. Machen, Esquire, seeking relief to approve the three existing dwellings on the subject property as legal, nonconforming uses, and to confirm that the subdivision of the subject property into two separate parcels, one of which would contain all three dwellings and the other being unimproved, will not affect their nonconforming status. The subject property and proposed subdivision were more clearly depicted on the site plan submitted into evidence as Alternative A. (Alternative relief, pursuant to the site plan marked as Alternative B, was determined to be unnecessary and was subsequently dismissed.)

By Order issued October, 1, 1998, the relief requested was granted, subject to certain restrictions, including that separate deeds evidencing the proposed subdivision be recorded in the Land Records of Baltimore County within sixty (60) days of the date of this Order.

Subsequent to the issuance of said Order, Counsel for the Petitioners advised this Deputy Zoning Commissioner of certain minor discrepancies within the Order, which although did not affect the substance of the relief granted, might require clarification at a later date. In addition, Counsel requested that the restriction requiring deed recordation within

ORDER RECORDED FOR FILING  
Date 10/1/98  
By [Signature]

sixty (60) days of the date of the Order be extended to sixty (60) days from the date the minor subdivision plan in this matter is approved.

In consideration of Counsel's request for clarification of certain facts and an extension of time for deed recordation, the Order issued in the above-captioned matter shall be amended as set forth below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6<sup>th</sup> day of October, 1998 that Restriction No. 1 of the Order dated October 1, 1998 be and the same shall hereby be AMENDED to permit deed recordation within sixty (60) days after the minor subdivision plan for the subject property has been approved; and,

IT IS FURTHER ORDERED that the Order issued October 1, 1998 be and the same shall hereby be AMENDED for clarification purposes as follows:

1) Page 2, Paragraph 2, states that the subject property has been in the Clark family for "over 100 years", when in fact, the property has been in the Clark family since 1930.

2) Page 2, Paragraph 2, references that a smaller parcel, containing roughly 2.000 acres was "conveyed to Charles H. Palmer, Jr., but was subsequently sold to Dr. and Mrs. Clark..." when in fact, that parcel is titled to Charles H. Palmer, Jr., Trustee for the benefit of certain members of the Clark family. Dr. and Mrs. Clark now reside on this 2.000 acre parcel.

3) Page 3, reference is made to the larger of the two subdivided parcels which is to be conveyed to Dr. Maumenee. That parcel will contain "approximately" 63 acres.


4) Page 3, reference is made to the affidavit submitted by Dr. Clark as Petitioner's Exhibit 2, which evidences the nonconforming use of the three cottages on the subject property and the names and years of

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occupancy of the tenants for each. The Order states that this affidavit reflected the years of occupancy for those tenants "over the past century", when in fact, it reflected the years of occupancy for more than 60 years.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued October 1, 1998 shall remain in full force and effect.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: John P. Machen, Esquire, Piper & Marbury  
36 S. Charles Street, Baltimore, Md. 21201

Ms. Juliana C. Watts  
7511 L'Hirondelle Club Road, Ruxton, Md. 21204

Dr. & Mrs. Gaylord Clark, Jr.  
1704 Hillside Road, Stevenson, Md. 21153

Dr. Irene H. Maumenee  
1700 Hillside Road, Stevenson, Md. 21153

Mr. Bruce Doak, Gerhold, Cross & Etzel  
320 E. Towsontown Boulevard, Towson, Md. 21286

People's Counsel; Case Files



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

October 1, 1998

John P. Machen, Esquire  
Piper & Marbury  
36 S. Charles Street  
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL HEARING  
NW/S Hillside Road and Keller Avenue  
(1702, 1706 & 1708 Hillside Ave.)  
3rd Election District - 3rd Councilmanic District  
Clark Farm Associates - Petitioners  
Case No. 99-53-SPH

Dear Mr. Machen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Juliana C. Watts  
7511 L'Hirondelle Club Road, Ruxton, Md. 21204

Dr. & Mrs. Gaylord Clark, Jr.  
1704 Hillside Road, Stevenson, Md. 21153

Dr. Irene H. Maumenee  
1700 Hillside Road, Stevenson, Md. 21153

Mr. Bruce Doak, Gerhold, Cross & Etzel  
320 E. Towsontown Boulevard, Towson, Md. 21286

People's Counsel; Case Files



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at #1702, #1706 & #1708 HILLSIDE ROAD  
which is presently zoned R.C. 2 & R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve EITHER

### ALTERNATIVE A:

THE EXISTING "NON-CONFORMING" USE AND LOCATION OF THREE (3) DWELLINGS KNOWN AS #1702, #1706 & #1708 HILLSIDE ROAD LOCATED ON "ITEM #1" OF S.M. No. 7760, FOLD 368 AND A PROPOSED SUBDIVISION AS SHOWN WILL NOT AFFECT SAID NON-CONFORMING STATUS.

### ALTERNATIVE B:

OR IN THE ALTERNATIVE:

- 1) THE RELINQUISHMENT OF ONE (1) BUILDING RIGHT FROM "ITEM #2" OF S.M. No. 7760, FOLD 368 TO SUPPORT AN EXISTING "NON-CONFORMING" DWELLING ON "ITEM #1"
- 2) THE RELINQUISHMENT OF TWO (2) BUILDING RIGHTS FROM "ITEM #3" OF S.M. No. 7760, FOLD 368 TO SUPPORT TWO (2) EXISTING "NON-CONFORMING" DWELLINGS ON "ITEM #1"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

JOHN P. MACHEN

PIPER & MARBURY

Signature

410-529-2530

36 SOUTH CHARLES STREET

Address

Phone No.

BALTIMORE

MARYLAND

21201

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): CLARK FARM ASSOCIATES

% JULIANA C. WATTS

(Type or Print Name)

Signature

(Type or Print Name)

Signature

7511 L'HIRONDELLE CLUB ROAD

Address

Phone No.

RUXTON, MARYLAND

21204

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

320 E. TOWNSHOWN BLVD.

TOWSON, MD. 21286

410-823-4470

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

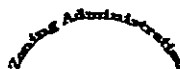
ALL

OTHER

REVIEWED BY:

DATE

99.53-SPH<sup>53</sup>



ORDER RECEIVED FOR FILING

Date

By

GORDON T. LANGDON  
EDWARD F. DEIACO-LOHR  
BRUCE E. DOAK

**GERHOLD, CROSS & ETZEL, LTD.**

*Registered Professional Land Surveyors*

SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318

410-823-4470  
FAX 410-823-4473

EMERITUS  
PAUL G. DOLLENBERG  
FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. CROSS  
OF COUNSEL  
JOHN F. ETZEL  
WILLIAM G. ULRICH

July 21, 1998

**For The Purpose of Zoning Only  
Clark Farm Associates "Item 1"**

Beginning for the same in or near the center of Hillside Road at the distance of 82.00 feet measured westerly along the center of Hillside Road from the intersection of the center of Hillside Road with the prolongation of the center of Keller Avenue, thence leaving Hillside Road and running and binding on the outlines of the herein petitioner and referring the courses of this description to the Baltimore County Grid Meridian the nine following lines, viz: 1) South 10 degrees 45 minutes 00 seconds East 30.00 feet, 2) North 79 degrees 15 minutes 00 seconds East 37.00 feet, 3) South 54 degrees 23 minutes 00 seconds East 34.49 feet, 4) by a line curving to the right having a radius of 260.00 feet, an arc length of 88.29 feet and a chord bearing South 04 degrees 29 minutes 17 seconds West 87.87 feet, 5) by a line curving to the right having a radius of 350.00 feet, an arc length of 3.89 feet and a chord bearing South 13 degrees 53 minutes 55 seconds West 3.89 feet, 6) South 54 degrees 43 minutes 36 seconds West 1051.90 feet, 7) North 35 degrees 39 minutes 07 seconds West 96.94 feet, 8) North 87 degrees 22 minutes 33 seconds West 303.62 feet and 9) North 04 degrees 34 minutes 33 seconds West 451.06 feet to a point in or near the center of Hillside Road, thence running in or near the center of Hillside Road, 10) North 81 degrees 03 minutes 33 seconds East 17.86 feet, thence leaving Hillside Road and continuing to run on the outlines of the herein petitioner the seven following courses and distances, viz: 11) North 04 degrees 27 minutes 17 seconds West 151.70 feet, 12) South 76 degrees 27 minutes 04 seconds West 18.02 feet, 13) North 04 degrees 32 minutes 18 seconds West crossing the Jones Falls 1408.24 feet, 14) North 06 degrees 29 minutes 18 seconds West 990.00 feet, 15) North 87 degrees 36 minutes 53 seconds East 862.85 feet, 16) North 88 degrees 38 minutes 07 seconds East 1335.17 feet and 17) South 01 degrees 57 minutes 53 seconds East 2318.78 feet to the center of Hillside Road, thence running and binding in or near the paving of Hillside Road the seven following lines, viz: 18) South 85 degrees 34 minutes 36 seconds West 239.17 feet, 19) South 84 degrees 31 minutes 36 seconds West 150.00 feet, 20) South 82 degrees 31 minutes 36 seconds West 150.00 feet, 21) South 71 degrees 31 minutes 36 seconds West 27.55 feet, 22) North 00 degrees 11 minutes 57 seconds West 17.50 feet, 23) by a line curving to the left having a radius of 550.00 feet, an arc length of 101.28 feet and a chord bearing South 84 degrees 31 minutes 31 seconds West 101.14 feet and

99-53-SPH

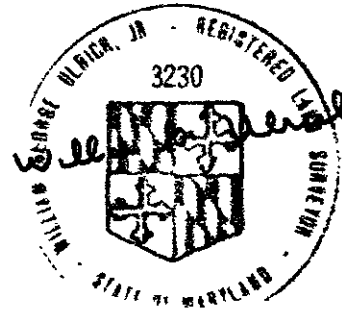
**GERHOLD, CROSS & ETZEL, LTD.**

*Registered Professional Land Surveyors*

24) South 79 degrees 15 minutes 00 seconds West 189.00 feet to the place of beginning.

Saving and excepting the following two parcels of land as shown on the Plan to Accompany Petition For A Special Hearing, Property of Clark Farm Associates, the first being owned by Irene H. Maumenee known as No. 1700 Hillside Road and second being owned by Charles H. Palmer III Trustee, known as No. 1704 Hillside Road.

Containing 107.138 Acres of land, more or less.



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GORDON T. LANGDON  
EDWARD F. DEIACO-LOHR  
BRUCE E. DOAK

**GERHOLD, CROSS & ETZEL, LTD.**

*Registered Professional Land Surveyors*

SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318

410-823-4470  
FAX 410-823-4473

EMERITUS  
PAUL G. DOLLENBERG  
FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. CROSS  
OF COUNSEL  
JOHN F. ETZEL  
WILLIAM G. ULRICH

July 21, 1998

**For The Purpose of Zoning Only  
Clark Farm Associates Alternate Zoning Description**

Beginning for the same in or near the center of Hillside Road at the distance of 82.00 feet measured westerly along the center of Hillside Road from the intersection of the center of Hillside Road with the prolongation of the center of Keller Avenue, thence leaving Hillside Road and running and binding on the outlines of the herein petitioner and referring the courses of this description to the Baltimore County Grid Meridian the nine following lines, viz: 1) South 10 degrees 45 minutes 00 seconds East 30.00 feet, 2) North 79 degrees 15 minutes 00 seconds East 37.00 feet, 3) South 54 degrees 23 minutes 00 seconds East 34.49 feet, 4) by a line curving to the right having a radius of 260.00 feet, an arc length of 88.29 feet and a chord bearing South 04 degrees 29 minutes 17 seconds West 87.87 feet, 5) by a line curving to the right having a radius of 350.00 feet, an arc length of 3.89 feet and a chord bearing South 13 degrees 53 minutes 55 seconds West 3.89 feet, 6) South 54 degrees 43 minutes 36 seconds West 1051.90 feet, 7) North 35 degrees 39 minutes 07 seconds West 96.94 feet, 8) North 87 degrees 22 minutes 33 seconds West 303.62 feet and 9) North 04 degrees 34 minutes 33 seconds West 451.06 feet to a point in or near the center of Hillside Road, thence running in or near the center of Hillside Road, 10) North 81 degrees 03 minutes 33 seconds East 17.86 feet, thence leaving Hillside Road and continuing to run on the outlines of the herein petitioner the three following courses and distances, viz: 11) North 04 degrees 27 minutes 17 seconds West 151.70 feet, 12) South 76 degrees 27 minutes 04 seconds West 18.02 feet, 13) North 04 degrees 32 minutes 18 seconds West 226.61 feet to a point in the Jones Falls, running thence and binding in or near the Jones Falls the thirty following courses and distance, viz: 14) South 74 degrees 52 minutes 20 seconds West 43.47 feet, 15) South 84 degrees 47 minutes 20 seconds West 91.00 feet, 16) South 00 degrees 07 minutes 20 seconds West 35.00 feet, 17) North 89 degrees 52 minutes 40 seconds West 147.00 feet, 18) South 79 degrees 07 minutes 20 seconds West 92.00 feet, 19) South 89 degrees 17 minutes 20 seconds West 65.00 feet, 20) South 13 degrees 52 minutes 20 seconds West 74.00 feet, 21) South 75 degrees 37 minutes 20 seconds West 36.00 feet, 22) North 59 degrees 37 minutes 40 seconds West 35.00 feet, 23) South 62 degrees 17 minutes 20 seconds West 31.00 feet, 24) North 77 degrees 57 minutes 40 seconds West 39.00 feet, 25) North 18 degrees 07 minutes 20 seconds East 35.00

99.53-SPH

**GERHOLD, CROSS & ETZEL, LTD.**

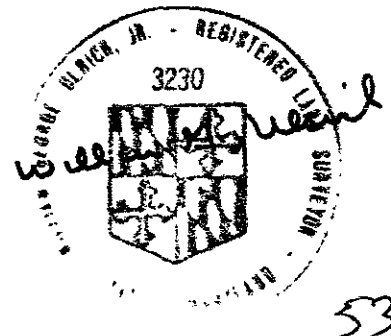
*Registered Professional Land Surveyors*

feet, 26) North 66 degrees 02 minutes 40 seconds West 24.00 feet, 27) South 62 degrees 42 minutes 20 seconds West 21.00 feet, 28) South 31 degrees 37 minutes 20 seconds West 18.15 feet, 29) South 31 degrees 40 minutes 12 seconds West 15.28 feet, 30) South 89 degrees 55 minutes 12 seconds West 41.99 feet, 31) North 10 degrees 10 minutes 12 seconds East 36.00 feet, 32) North 58 degrees 34 minutes 48 seconds West 14.00, 33) South 43 degrees 10 minutes 12 seconds West 106.00 feet, 34) South 86 degrees 40 minutes 12 seconds West 62.00 feet, 35) North 33 degrees 49 minutes 48 seconds West 30.00 feet, 36) North 82 degrees 24 minutes 48 seconds West 21.00 feet, 37) South 19 degrees 40 minutes 12 seconds West 42.00 feet, 38) North 78 degrees 04 minutes 48 seconds West 35.00 feet, 39) North 06 degrees 10 minutes 12 seconds East 32.00 feet, 40) South 79 degrees 55 minutes 12 seconds West 73.00 feet, 41) South 27 degrees 10 minutes 12 seconds West 52.00 feet, 42) South 81 degrees 55 minutes 12 seconds West 118.00 feet, 43) North 06 degrees 34 minutes 48 seconds West 54.00 feet and 44) South 83 degrees 59 minutes 52 seconds West 21.62 feet, thence leaving the Jones Falls and continuing to bind on the outlines of the herein petitioner the eight following courses and distances, viz: 45) North 01 degrees 25 minutes 57 seconds West 544.73 feet, 46) North 88 degrees 34 minutes 03 seconds East 513.66 feet, 47) North 01 degrees 25 minutes 57 seconds West 1395.10 feet, 48) North 79 degrees 57 minutes 42 seconds East 506.00 feet, 49) North 06 degrees 29 minutes 18 seconds West 295.41 feet, 50) North 87 degrees 36 minutes 53 seconds East 862.85 feet, 51) North 88 degrees 38 minutes 07 seconds East 1335.17 feet and 52) South 01 degrees 57 minutes 53 seconds East 2318.78 feet to the center of Hillside Road, thence running and binding in or near the paving of Hillside Road the seven following lines, viz: 53) South 85 degrees 34 minutes 36 seconds West 239.17 feet, 54) South 84 degrees 31 minutes 36 seconds West 150.00 feet, 55) South 82 degrees 31 minutes 36 seconds West 150.00 feet, 56) South 71 degrees 31 minutes 36 seconds West 27.55 feet, 57) North 00 degrees 11 minutes 57 seconds West 17.50 feet, 58) by a line curving to the left having a radius of 550.00 feet an arc length of 101.28 feet and a chord bearing South 84 degrees 31 minutes 31 seconds West 101.14 feet and 59) South 79 degrees 15 minutes 00 seconds West 189.00 feet to the place of beginning.

Saving and excepting the following two parcels of land as shown on the Plan to Accompany Petition For A Special Hearing, Property of Clark Farm Associates, the first being owned by Irene H. Maumenee known as No. 1700 Hillside Road and the second being owned by Charles H. Palmer III Trustee, known as No. 1704 Hillside Road.

Containing 138.605 Acres of land, more or less.

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BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 056557

DATE 30 JUL 98 ACCOUNT R-001-6150  
53 CAM  
AMOUNT \$ 150.00

RECEIVED FROM: Gerdahl, Cross & Etzel, LTD for check  
FARM Assoc

FOR: 1702 1706 + 1708 Hillside Rd  
3 RLS SPH

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME  
7/31/1998 7/30/1998 15:38:55  
REF 0002 CASHIER JRJC JMR DRAWER  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 056746  
CR NO. 056557

150.00 CHECK  
Baltimore County, Maryland

99.53 SPH

CASHIER'S VALIDATION



**NOTICE OF ZONING  
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Board of Zoning and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-53-SPH  
1702, 1706 & 1708 Hillside  
Road corner Hillside Road,  
82' W of Keller Avenue  
3rd Election District  
2nd Councilmanic District  
Legal Owner(s):  
Clark Farm Associates

**Special Hearing:** to approve:  
Alternate A - The non-conforming use and location of 3 existing dwellings on the reduced acreage deed parcel #1 (proposed subdivision from 109 acres to 44 acres).  
Alternate B - Accrue one building right from deed parcel #2 to deed parcel #1 and to accrue 2 building rights from deed parcel #3 to deed parcel #1.

**Hearing:** Tuesday, September 15, 1998 at 10:00 a.m., in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

**NOTES:** (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.  
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

8/390 Aug. 27 c253857

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/27, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/27, 1998.

**THE JEFFERSONIAN,**

*A. Henrichson*

LEGAL AD. - TOWSON

# CERTIFICATE OF POSTING

RE: Case No.: 99-53-SPH

Petitioner/Developer: BRUCE DOAK, ETAL

Date of Hearing/Closing: 9/15/98

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at #1702, 1706 & 1708

HILL SIDE ROAD

The sign(s) were posted on 8/31/98  
(Month, Day, Year)

Sincerely,

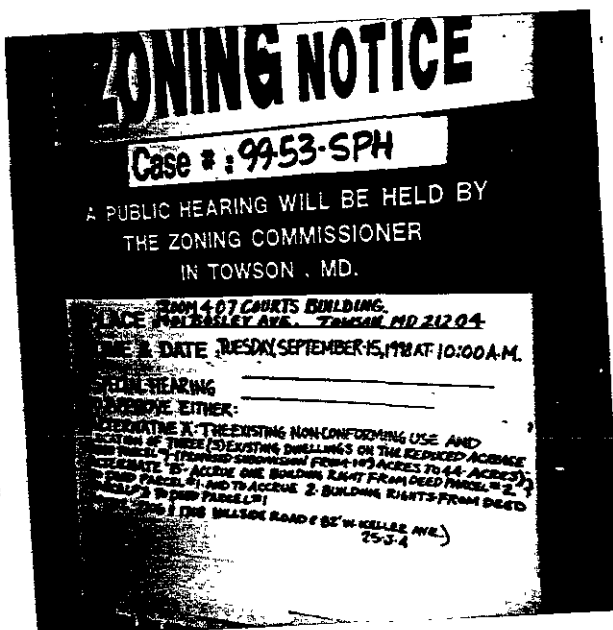
Patrick M. O'Keefe 9/2/98  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE  
(Printed Name)

523 PENNY LANE  
(Address)

HUNT VALLEY, MD. 21030  
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571  
(Telephone Number)



99-53-SPH  
#1702, 1706 & 1708 HILLSIDE

H-9/15/98

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

---

**For Newspaper Advertising:**

Item Number or Case Number: \_\_\_\_\_

99-53-SPH

Petitioner: CLARK FARM ASSOCIATES 40 JULIANNA C. WATTS

Address or Location: #1702, #1706 & #1708 HILLSIDE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JULIANNA C. WATTS

Address: 7511 L'HIRONDELLE CLUB ROAD

RUXTON, MARYLAND 21204

Telephone Number: \_\_\_\_\_

Revised 2/20/98 - SCJ

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

**ZONING NOTICE**

99-53-SPH

Case No. ~~99-53~~ 53

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: Special Hearing to approve either**ALTERNATIVE A:**

THE EXISTING "NON-CONFORMING" USE AND LOCATION OF THREE (3) DWELLINGS KNOWN AS #1702, #1706 & #17: HILLSIDE ROAD LOCATED ON "ITEM #1" OF S.M. No. 7760, FOLIO 368 AND A PROPOSED SUBDIVISION AS SHOWN WILL NOT AFFECT SAID NON-CONFORMING STATUS.

**ALTERNATIVE B:**

OR IN THE ALTERNATIVE:

- 1) THE RELINQUISHMENT OF ONE (1) BUILDING RIGHT FROM "ITEM #2" OF S.M. No. 7760, FOLIO 368 TO SUPPLANT AN EXISTING "NON-CONFORMING" DWELLING ON "ITEM #1"
- 2) THE RELINQUISHMENT OF TWO (2) BUILDING RIGHTS FROM "ITEM #3" OF S.M. No. 7760, FOLIO 368 TO SUPPLANT TWO (2) EXISTING "NON-CONFORMING" DWELLINGS ON "ITEM #1"

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

**HANDICAPPED ACCESSIBLE**

You Will Probably Need  
TWO SIGNS

TO: PATUXENT PUBLISHING COMPANY  
August 27, 1998 Issue - Jeffersonian

Please forward billing to:

Julianna C. Watts  
7511 L'Hirondelle Club Road  
Ruxton, MD 21204

No Telephone Number on Form  
(Attorney: John Machen - 539-2530)

---

**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-53-SPH  
1702, 1706 & 1708 Hillside Road  
corner Hillside Road , 82' W of Keller Avenue  
3rd Election District - 2nd Councilmanic District  
Legal Owner: Clark Farm Associates

Special Hearing to approve: Alternate A - The non-conforming use and location of 3 existing dwellings on the reduced acreage deed parcel #1 (proposed subdivision from 109 acres to 44 acres); Alternate B - Accrue one building right from deed parcel #2 to deed parcel #1 and to accrue 2 building rights from deed parcel #3 to deed parcel #1.

HEARING: Tuesday, September 15, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 10, 1998

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-53-SPH  
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Special Hearing to approve: Alternate A - The non-conforming use and location of 3 existing dwellings on the reduced acreage deed parcel #1 (proposed subdivision from 109 acres to 44 acres); Alternate B - Accrue one building right from deed parcel #2 to deed parcel #1 and to accrue 2 building rights from deed parcel #3 to deed parcel #1.

HEARING: Tuesday, September 15, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

c: John P. Machen, Esquire  
Clark Farm Associates  
Gerhold, Cross & Etzel, Ltd.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 31, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



RE: PETITION FOR SPECIAL HEARING  
1702, 1706, and 1708 Hillside Road, Corner Hillside  
Rd, 82' W of Keller Ave, 3rd Election District, 2nd  
Councilmanic

Legal Owners: Clark Farm Associates

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-53-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to John P. Machen, Esq., Piper & Marbury, 36 S. Charles Street, Baltimore, MD 21201, attorney for Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

Date: August 17, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB/94*

SUBJECT: Zoning Item #53

Clark Farm Associates

Zoning Advisory Committee Meeting of August 10, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
  - X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
  - X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
  - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
  - X GWM: Refer to revised plan request letter dated 9/11/96 for requirements. Information must be submitted prior to approval of subdivision.
  - X AP: Prime and Productive Soil Policies to implement 26-277(c) provide that newly created lots on Class I, II and III soils shall be a minimum of 60,000 square feet or 50 acres in size. This property has Class I, II, III soils. In the event Alternative A is approved, it is recommended that lot line for the 44 acre lot be moved easterly to the stream so as to make this lot approximately 50 acres in size. Alternative B meets the Prime and Productive Soil Regulations.



B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:        Arnold Jablon, Director  
           Department of Permits & Development  
           Management

Date:    August 18, 1998

FROM: *fw* Robert W. Bowling, Chief  
           Development Plans Review Division

SUBJECT:   Zoning Advisory Committee Meeting  
           for August 17, 1998  
           Item Nos. 044, 045, 046, 047, 048,  
           049, 050, 051, 052, 053, 054

           Revised Plats for Reclassification  
           Case #CR-98-367-A  
           (7218 Windsor Mill Road)

           Revised Petition; Environmental  
           Impact Statement, Description, and  
           Plats for Reclassification  
           Case #R-97-465  
           (1856 Reisterstown Road)

           The Development Plans Review Division has reviewed the subject  
zoning items, and we have no comments.

RWB:HJO:jrb

cc:    File



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
(410)887-4880

AUG. 12, 1998

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 10, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

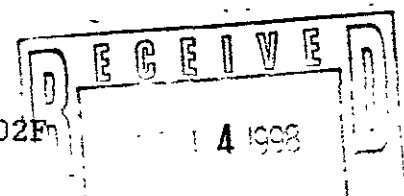
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 044, 045, 046,  
047, 048, 049, 050, 051 AND 053

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 8.11.94  
Item No. 053 CAM

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**DATE:** August 24, 1998

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item No. 53

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief:

*Jeffrey W. Long*

AFK/JL

# PIPER & MARBURY

L.L.P.

CHARLES CENTER SOUTH  
36 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-3018

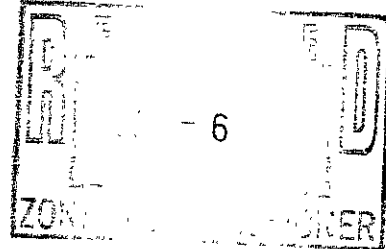
410-539-2530

FAX: 410-539-0469

WASHINGTON  
NEW YORK  
PHILADELPHIA  
EASTON

JOHN P. MACHEN  
(410) 576-1768  
FAX: (410) 576-5050  
jmachen@pipermar.com

October 2, 1998



Timothy M. Kotroco  
Deputy Zoning Commissioner  
Suite 405, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

Re: Clark Farm Associates (Case No. 99-53-SPH)

Dear Mr. Kotroco:

I have received your order in the above-referenced case, and I thank you for rendering your decision and issuing the order so promptly.

You indicated at the hearing that I should bring to your attention any matters in the written order that should be clarified. There are a few items that I have noted on the enclosed marked pages. While this property has a rich history going back well into the 19<sup>th</sup> century, it was acquired by the Clark family in 1930. As to the ownership of the 2.00 acre parcel, which is the site of Dr. and Mrs. Clark's house, it is held by Charles H. Palmer, Jr., the family attorney, as trustee for the benefit of the Clarks' children.

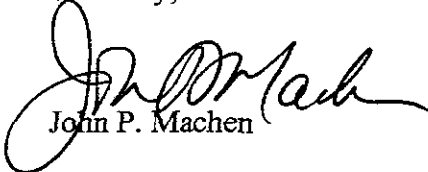
Finally, on the last page of the order, the parties are required to record deeds within 60 days making reference to this case relating to the conveyance of the new subdivided parcels to Dr. Maumenee and to Dr. and Mrs. Clark respectively. We are not expecting to receive approval of the minor subdivision before February of next year. We would like to change this to be 60 days after the minor subdivision plan approval.

None of these matters affects the substance of the order. Nonetheless, since this order will scrutinized as the subdivision plan proceeds, it would be better to have them clarified.

Timothy M. Kotroco  
October 2, 1998  
Page 2

Thank you for your cooperation. If you have any questions or if there is anything further that I can provide, please do not hesitate to call me.

Sincerely,



John P. Machen

/jpm  
Enclosure

cc: Dr. and Mrs. Gaylord L. Clark  
Ms. Juliana C. Watts  
Bruce Doak

Cross & Etzel, the consulting firm which prepared the site plans of this property, and John P. Machen, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Preliminary discussions at the hearing determined that the alternative relief sought, pursuant to Alternative B, was not necessary and that the three existing dwellings, known as 1702, 1706 and 1708 Hillside Road met the requirements for a nonconforming use. Therefore, the special hearing relief, pursuant to Alternative B, was dismissed and the hearing proceeded on the request, pursuant to Alternative A.

Testimony and evidence offered revealed that the property which is the subject of this request is a large tract of land consisting of a gross area of 107.138 acres, more or less, split zoned R.C.2 (95.5 acres) and R.C.5 (11.6 acres). The property is located on the north and south sides of Hillside Road, between Stevenson Road and Greenspring Avenue in Greenspring Valley, not far from Villa Julie College. In fact, Hillside Road bisects the southern portion of the tract where the zoning of the property changes to R.C.5. The property has been in the Clark family for ~~over 100 years~~ <sup>since 1930</sup> and is part of the overall land holdings originally held by the Clark family. The property has been utilized for many years as farm fields and is improved with three single family dwellings (cottages) and several accessory outbuildings. These cottages have been used as tenant dwellings for many years and continue to be rented out today. In approximately the center of this tract are two parcels which are not a part of the special hearing request before me. One parcel contains approximately 20 acres and was conveyed to Dr. Irene H. Maumenee on January 6, 1978. Another smaller parcel, containing roughly 2.000 acres, <sup>is titled in</sup> ~~was conveyed to~~ Charles H. Palmer, Jr., ~~but was subsequently sold to~~ Dr. and Mrs. Clark,

trustee for the benefit of  
certain members of the Clark family.

this 2.00 acre

who now reside on the property, on ~~February 27, 1981~~. The property at issue concerns the remaining 107 acres which surround the two parcels described above. The Petitioners are desirous of subdividing this property, identified as Item 1 on the site plan, to create two separate parcels. One parcel will contain <sup>approximately</sup> 63 acres and is to be conveyed to Dr. Maumenee, who owns the adjoining 20-acre parcel. The 63-acre parcel has one density unit associated with it and thus, Dr. Maumenee has the right to construct one single family dwelling thereon. Dr. Maumenee does not have to merge this 63-acre parcel with the 20-acre parcel she already owns, and the 63-acre parcel may remain a separate lot of record. The remaining 44 acres along with the three nonconforming dwellings will be conveyed to Dr. & Mrs. Clark and will likewise remain a separate lot of record. Dr. Clark submitted into evidence as Petitioner's Exhibit 2, an affidavit evidencing the nonconforming use of the three cottages on the property and the names of the tenants for each and their years of occupancy <sup>for more than 60 years.</sup> ~~over the past century.~~ The testimony and evidence presented was overwhelming that the three houses have existed on the property for many years and have been used as tenant dwellings since prior to 1945, the year in which the Baltimore County Zoning Regulations were enacted. The Petitioners request that the three rental cottages be permitted to remain as they presently exist and be allowed to continue to operate as rental units.

It should also be noted that a portion of the 44-acre parcel to be conveyed to Dr. and Mrs. Clark extends to the south side of Hillside Road, at which point the zoning of the property changes to R.C.5. Based on the testimony and evidence presented by Mr. Doak, that portion of the property located on the south side of Hillside Road has seven (7) density units associated therewith. This finding is being made in that Dr. and



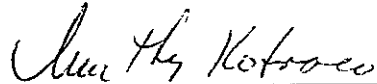
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1<sup>st</sup> day of October, 1998 that the Petition for Special Hearing seeking approval of three existing dwellings, known as 1702, 1706 and 1708 Hillside Avenue and located on the property identified as Item 1 on the site plan marked as Alternative A, as legal and nonconforming, and confirmation that the proposed subdivision, in accordance with Petitioner's Exhibit 1, will not affect their nonconforming status, be and is hereby GRANTED, subject to the following restrictions:

1) Pursuant to Section 502.2 of the B.C.Z.R., new deeds evidencing the conveyance of the 44-acre parcel containing the three nonconforming rental cottages from Clark Farm Associates to Dr. & Mrs. Gaylord Clark, and the transfer of the 63-acre parcel, which contains one (1) density unit associated therewith, from Clark Farm Associates to Dr. Irene Maumenee, shall be recorded in the Land Records of Baltimore County within sixty (60) days ~~of the date of this Order.~~ Said deeds shall incorporate a reference to this case and the restrictions and conditions set forth herein. A copy of the recorded deeds shall be forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

2) When applying for any building permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

after  
the  
minor  
subdivision  
plan  
approval.

TMK:bjs


  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

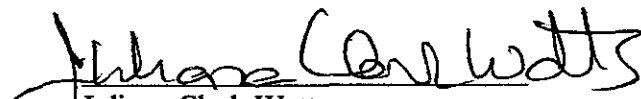
2

**CLARK FARM ASSOCIATES**  
List of Tenant House Occupants  
(Case No. 99-53-SPH)


**AFFIDAVIT**

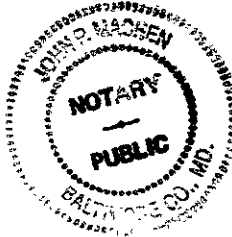
We the undersigned hereby certify that the following is a list of all tenants that have rented at the tenant houses described below at the Clark Farm Associates property at 1702, 1706 and 1708 Hillside Road in Baltimore County, Maryland, during the period of ownership by the Clark family since 1930. From 1930 to the present, (A) each such house has been used as a single-family dwelling for rental to the persons listed below, (B) there has been no change to any other use whatsoever, (C) there has been no abandonment or discontinuance of such use for any period of time and (D) none of the houses has been extended or enlarged.

  
Gaylord L. Clark, Jr

  
Juliana Clark Watts

Sworn before me, a Notary Public of the State of Maryland, this 15<sup>TH</sup> day of September, 1998

  
John P. Machen



My Commission expires: 10/1/01

A The Cottage

<u>Tenant</u>	<u>Years of Occupancy</u>
Mlle Duske	1936-40
Capt. Kelly Rogers and other BOAC British aviators	1940-43
Carriher	1943-46
Morton	1946-51
Holmes	1951-57
Manly	1957-61
Lord	1961-65
Roniger	1965-74
Loeb	1974-78
Dickey	1978-86
Roome,	1986-89
Barker	1989-92
Halle	1992-98

*BK JCW*

B. Nelson's Niche:

<u>Tenant</u>	<u>Years of Occupancy</u>
Nelson	1886-1944
Cockey, George	1944-47
Cockey, Willie	1947-50
Esworthy	1950-73
Watts	1973-75
Davis	1975-79
Colston	1979-87
Dickey	1987-89
Matthews	1989-92
Bennett	1992-95
Perlman	1995-98

C Parsley's Patch.

<u>Tenant</u>	<u>Years of Occupancy</u>
Parsely	1925-42
Eckert,	1942-73
Dobbin	1973-77
Hilgartner and Dickey	1977-81
Neville	1981-86
Almond	1986-89
Halle	1989-91
Lord	1991-95
Devito	1995-98

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

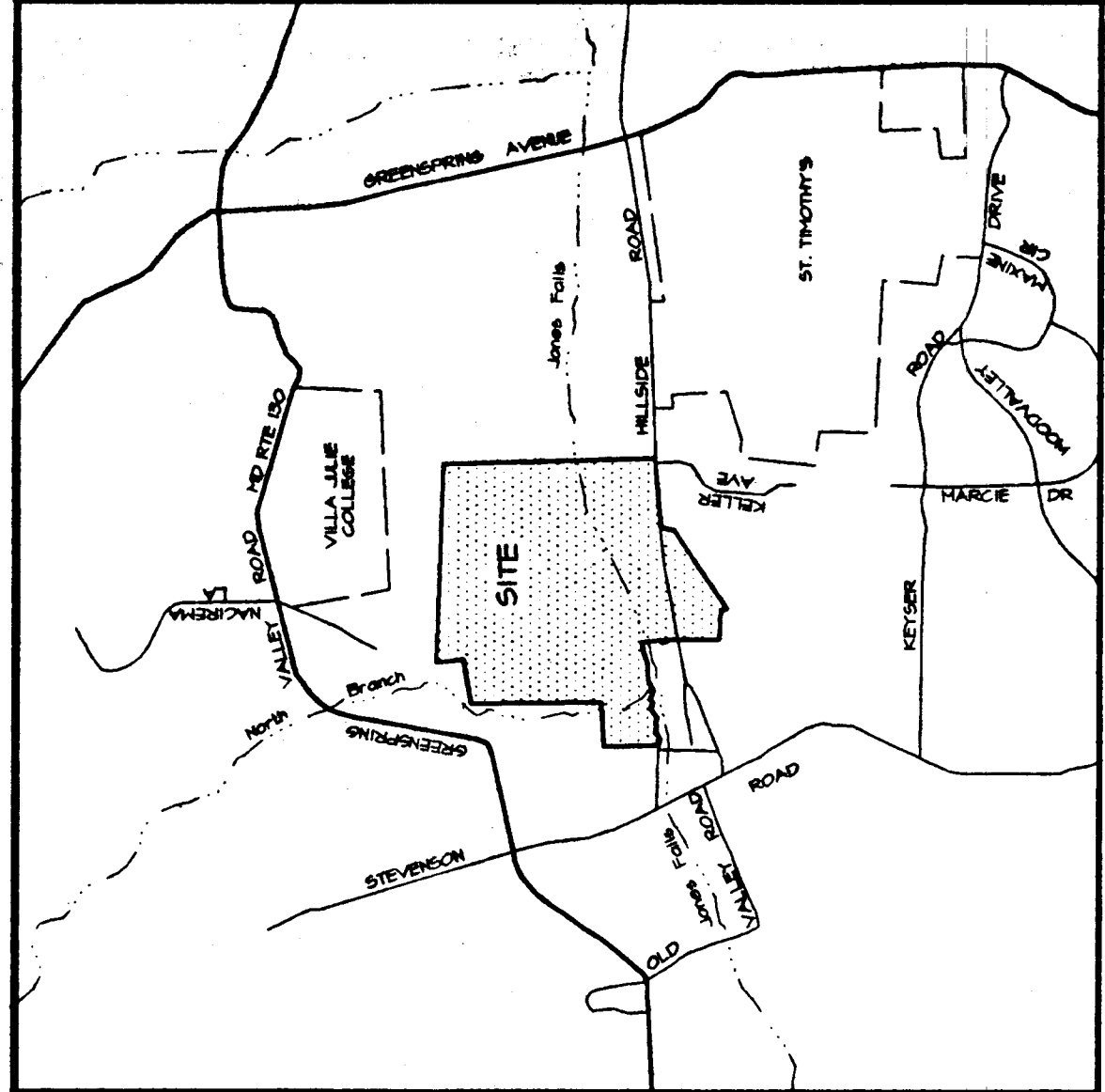
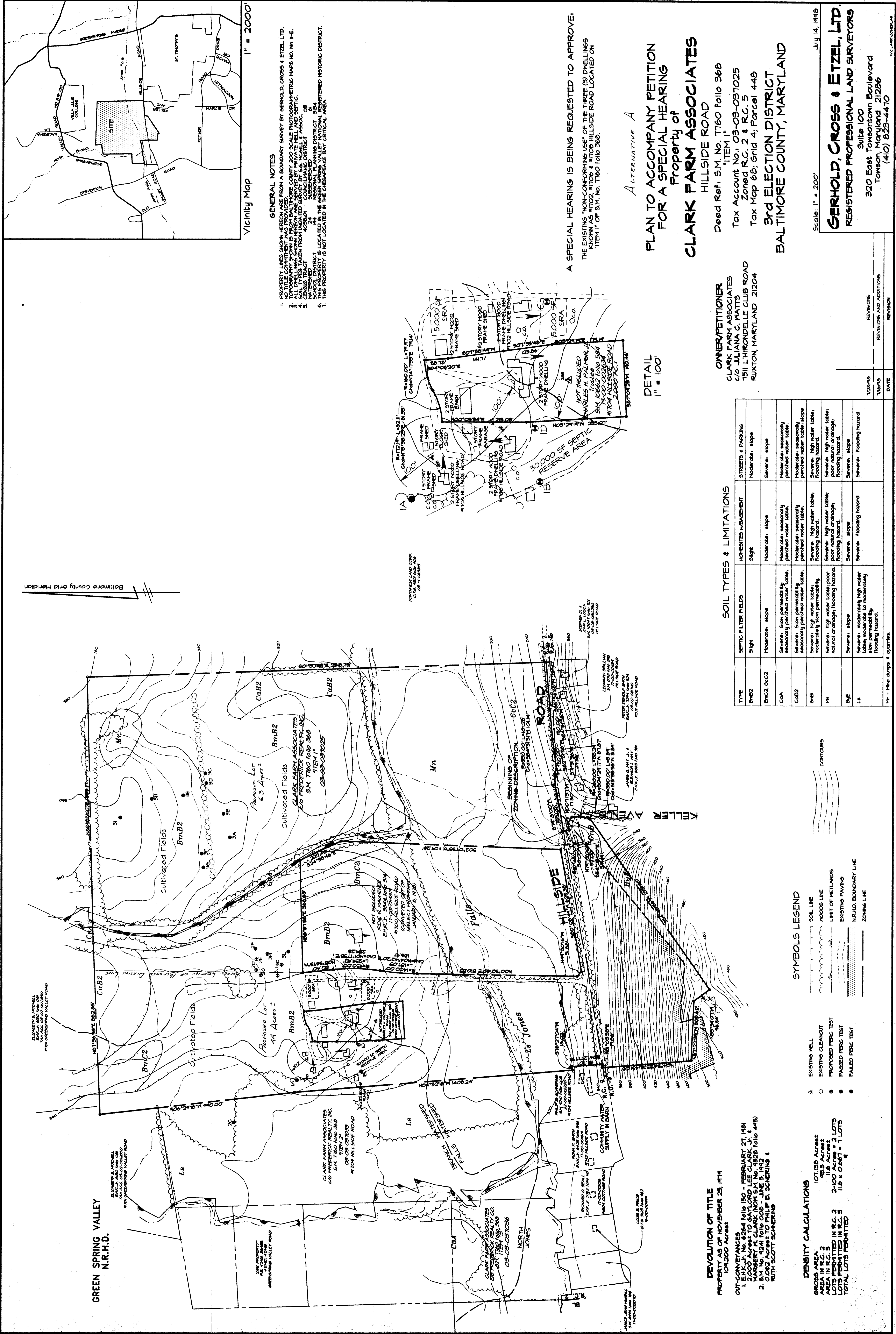
ADDRESS

Juliana Carl Watts  
Margery L. Clark  
Jaylor L. Clark  
JOHN P. MACHEN

7511 L'Herandelle Club Rd  
Towson  
1704 Hillside Rd. Stevenson 21153  
1704 Hillside Rd. Stevenson Md 21153  
PIPER & MARBURY, 36 S. CHARLES ST  
BALTIMORE 21201

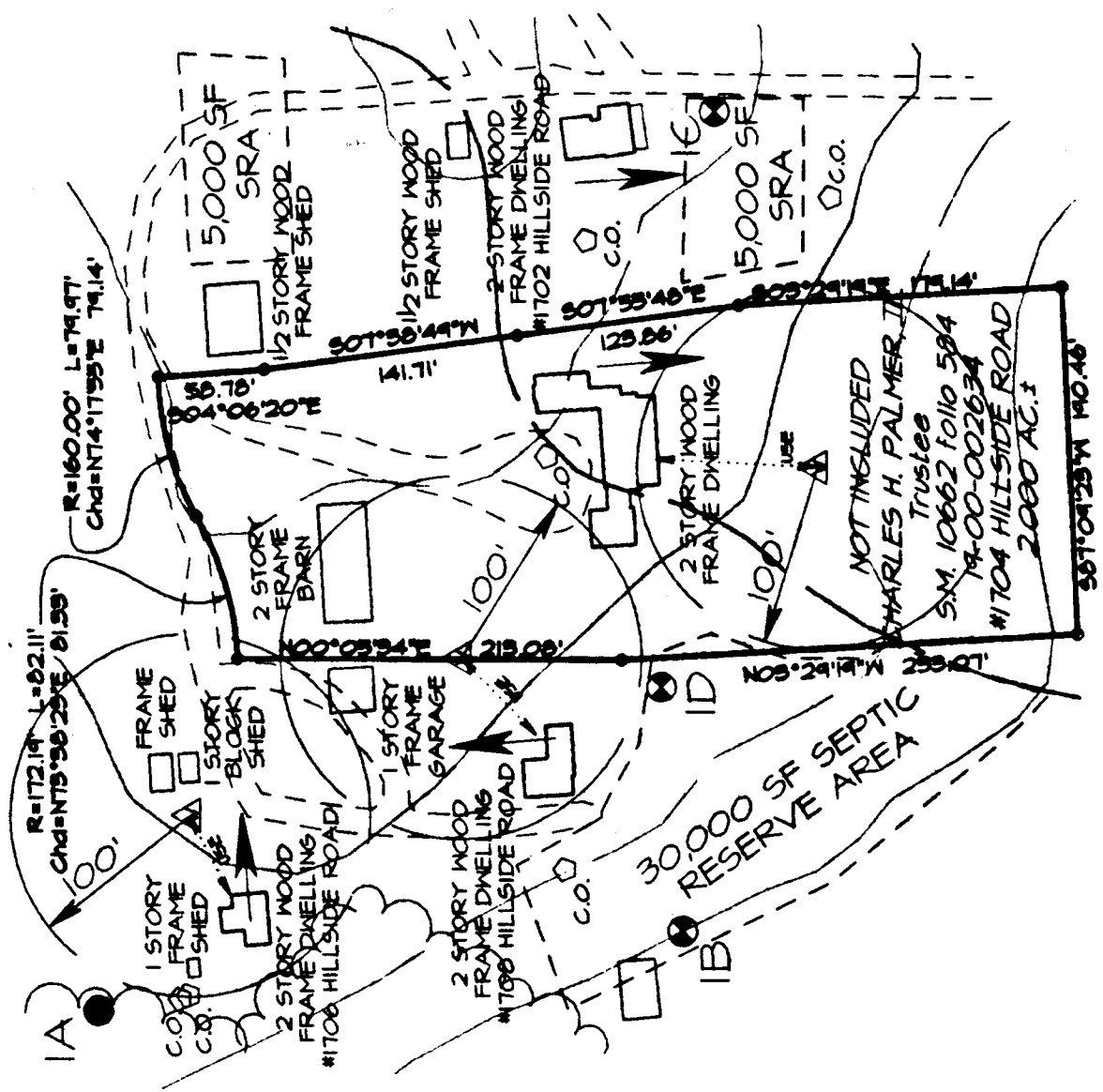
BRUCE DOAK GERHOLD, CROSS & ETZEL 320 E TOWSONTOWN BLVD. TOWSON, MD 21286





GENERAL NOTES

1. PROPERTY LINES SHOWN ARE FROM A BOUNDARY SURVEY BY GERNOLD, CROSS & ETZEL, LTD.
2. TOPOGRAHY SHOWN IS FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS NO. 1011-E.
3. SOIL TYPES SHOWN ARE FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS NO. 1011-E.
4. SOIL TYPES SHOWN ARE FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS NO. 1011-E.
5. SOIL TYPES SHOWN ARE FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS NO. 1011-E.
6. SOIL TYPES SHOWN ARE FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAPS NO. 1011-E.
7. THIS PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.



A SPECIAL HEARING IS BEING REQUESTED TO APPROVE:  
THE EXISTING "NON-CONFORMING USE" OF THE THREE (3) Dwellings  
KNOWN AS #102, #106, & #108 HILLSIDE ROAD LOCATED ON  
"ITEM 1" OF S.M. No. T160 folio 366.

ALTERNATIVE A

PLAN TO ACCOMPANY PETITION  
FOR A SPECIAL HEARING

Property of  
**CLARK FARM ASSOCIATES**

HILLSIDE ROAD

Deed Ref: S.M. No. T160 folio 366

Tax Account No: 03-03-037025

Zoned R.C. 2 & R.C. 5

Tax Map 66; Grid 4; Parcel 448

3RD ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

OWNER/PETITIONER  
**CLARK FARM ASSOCIATES**  
C/O WILLIAM C. WATKINS  
751 L'HERONELLE CLUB ROAD  
RUXTON, MARYLAND 21204

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOUSES/RESIDENT	STREETS & PARKING
BmB2	Slight	Slight	Moderate slope
BmC2, BmC3	Moderate slope	Moderate slope	Severe slope
CaA	Severe, Slope permeability poor (moderate to severe)	Moderate, seasonally ponded water table	Moderate, seasonally ponded water table
CaB2	Severe, Slope permeability poor (moderate to severe)	Moderate, seasonally ponded water table	Moderate, seasonally ponded water table
CaB	Severe, High water table, moderate to severe permeability	Severe, High water table, poor natural drainage	Severe, High water table, poor natural drainage
Mn	Severe, High water table, poor natural drainage	Severe, High water table, poor natural drainage	Severe, High water table, poor natural drainage
Dg	Severe, Slope	Severe, slope	Severe, slope
Ls	Severe, moderate to high water table, moderate to severe permeability	Severe, flooding hazard	Severe, flooding hazard

SYMBOLS LEGEND

- EXISTING WELL
- EXISTING CLENOT
- PROPOSED PERC TEST
- PAILED PERC TEST
- SOIL LINE
- WOODS LINE
- LIMIT OF METLANDS
- EXISTING PAVING
- N.H.D. BOUNDARY LINE
- ZONING LINE

DEVOLUTION OF TITLE

PROPERTY AS OF NOVEMBER 25, 1974  
101.500 Acres  
OUT-CONVEYANCES  
1. E.L.K. No. 8264 folio 150 - FEBRUARY 27, 1961  
2.000 Acres to SAILFORD LEE CLARK, JR.  
3. SAILFORD LEE CLARK (NON-S.M. No. 452B folio 445)  
4. SAILFORD LEE CLARK (NON-S.M. No. 452B folio 445)  
5. SAILFORD LEE CLARK (NON-S.M. No. 452B folio 445)  
6. SAILFORD LEE CLARK (NON-S.M. No. 452B folio 445)  
7. SAILFORD LEE CLARK (NON-S.M. No. 452B folio 445)  
8. SAILFORD LEE CLARK (NON-S.M. No. 452B folio 445)  
9. SAILFORD LEE CLARK (NON-S.M. No. 452B folio 445)  
10. SAILFORD LEE CLARK (NON-S.M. No. 452B folio 445)

DENSITY CALCULATIONS

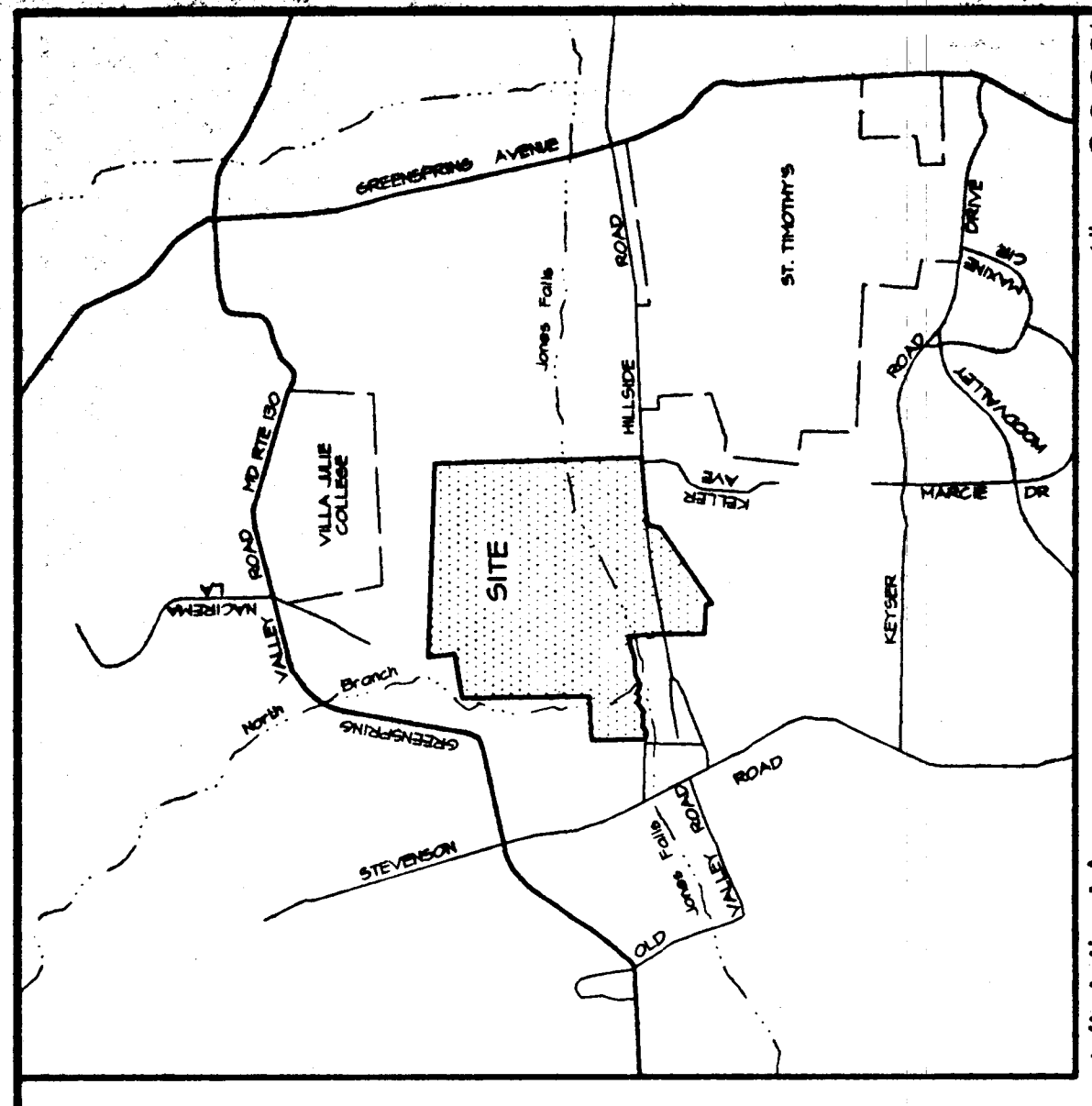
101.500 Acres  
48.5 Acres  
2.000 Acres  
2.000 Acres  
2.000 Acres  
2.000 Acres  
2.000 Acres  
2.000 Acres  
2.000 Acres  
2.000 Acres

Scale: 1" = 200'

July 14, 1988

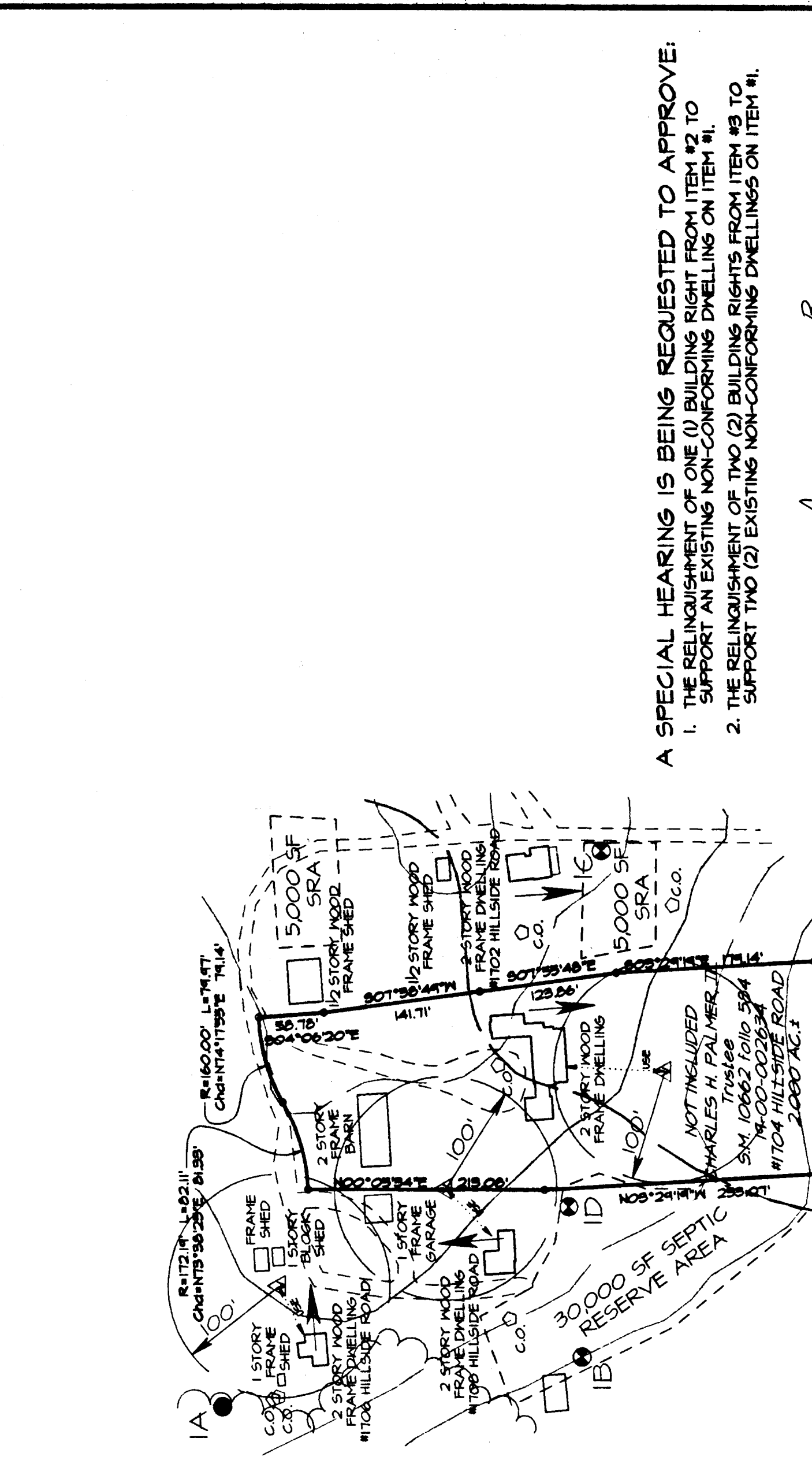
**GERHOLD, CROSS & ETZEL, LTD.**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
Suite 100  
320 East Towson Road  
Towson, Maryland 21206  
(410) 833-4410





GENERAL NOTES

1. PROPERTY LINES SHOWN ARE FROM A BOUNDARY SURVEY BY GERNOLD, CROSS & ETZEL, LTD.
2. NO TITLE COMMITMENT WAS PROVIDED.
3. ALL DRILLINGS SHOWN ARE FROM A BOUNDARY SURVEY BY GERNOLD, CROSS & ETZEL, LTD.
4. ALL DRILLINGS SHOWN ARE SERVED BY PRIVATE WELL AND SEPTIC.
5. SOILS ARE CLASSIFIED BY THE U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE, NATIONAL ENGINEERING DISTRICT, BALTIMORE, MARYLAND.
6. THIS PROPERTY IS LOCATED IN THE GREEN SPRING VALLEY NATIONAL REGISTERED HISTORIC DISTRICT.
7. THIS PROPERTY IS LOCATED IN THE GREEN SPRING VALLEY NATIONAL REGISTERED HISTORIC DISTRICT.



DETAIL  
1" = 100'

A SPECIAL HEARING IS BEING REQUESTED TO APPROVE:  
1. THE RELINQUISHMENT OF ONE (1) BUILDING RIGHT FROM ITEM #2 TO  
SUPPORT AN EXISTING NON-CONFORMING DRILLING ON ITEM #1.  
2. THE RELINQUISHMENT OF TWO (2) BUILDING RIGHTS FROM ITEM #5 TO  
SUPPORT TWO (2) EXISTING NON-CONFORMING DRILLINGS ON ITEM #1.

ALTERNATIVE B

PLAN TO ACCOMPANY PETITION  
FOR A SPECIAL HEARING  
Property of  
CLARK FARM ASSOCIATES

HILLSIDE ROAD  
BALTIMORE COUNTY, MARYLAND

Deed Ref: S.M. No. 7160 Folio 368  
Tax Account Nos.: 03-03-037025  
03-03-037035 & 16-00-001199  
Zoned R.C. 2 & R.C. 5  
Tax Map 54; Grid 22; Parcel 154 and  
Tax Map 66; Grid 4; Parcel 231 & 448

3RD ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 200'

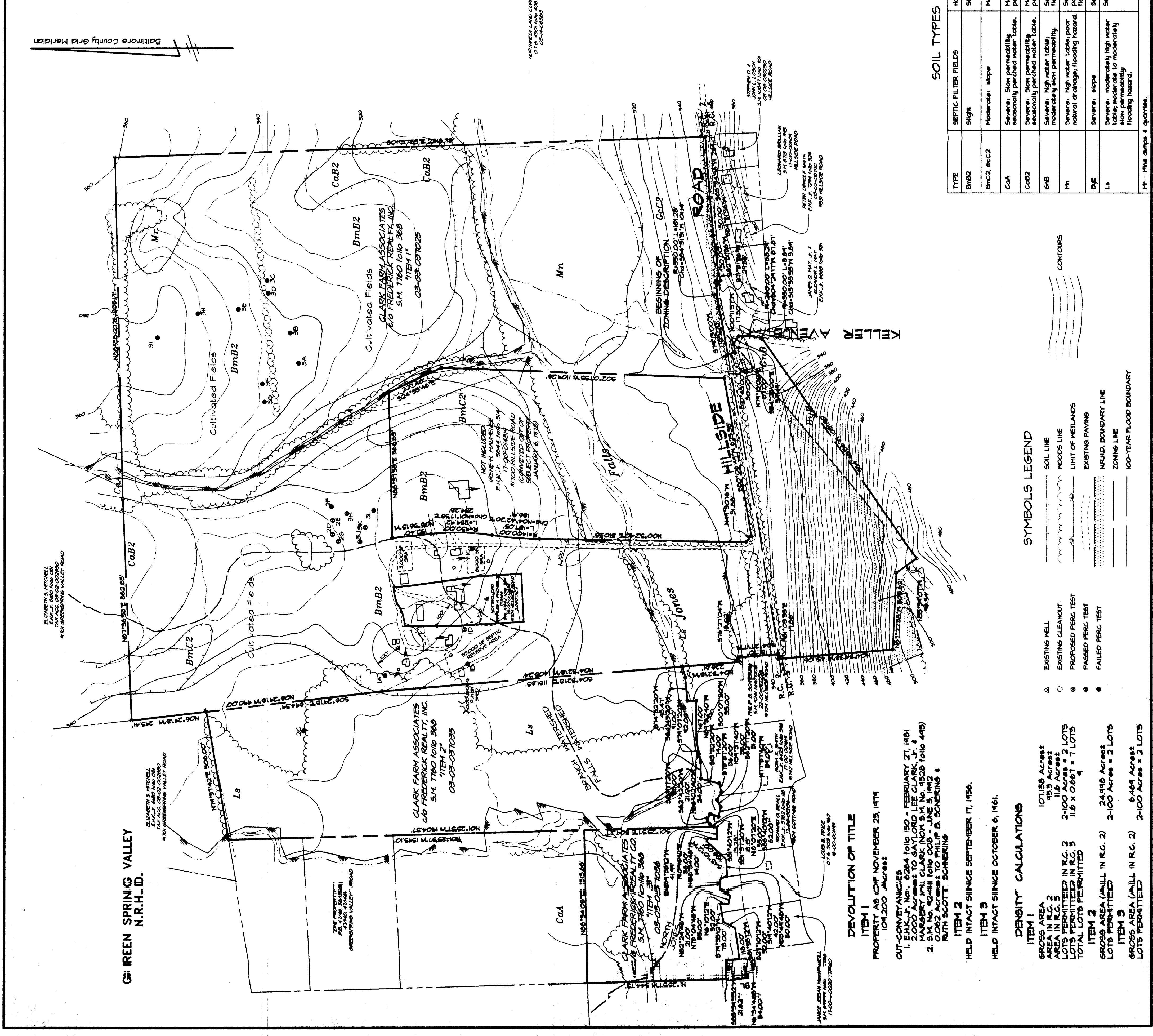
July 14, 1999

**GERHOLD, CROSS & ETZEL, LTD.**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
Suite 100  
930 East Towsontown Boulevard  
Towson, Maryland 21286  
(410) 823-4410

OWNER/PETITIONER  
CLARK FARM ASSOCIATES  
C/O JULIANA C. NATH  
1511 L'HERONELLE CLUB ROAD  
RUXTON, MARYLAND 21204

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	WASTEWATER MANAGEMENT	STREETS & PARKING
BmB2	Slight	Slight	Moderate slope
BmC2, GcC2	Moderate slope	Moderate slope	Severe slope
CoA	Severe, slow permeability, seasonally perched water table, poor natural drainage, flooding hazard.	Moderate, seasonally perched water table.	Moderate, seasonally perched water table.
CoB2	Severe, slow permeability, seasonally perched water table.	Moderate, seasonally perched water table.	Moderate, seasonally perched water table.
GcB	Severe, high water table, moderately from permeability.	Severe, high water table, flooding hazard.	Severe, high water table, flooding hazard.
Mn	Severe, high water table, poor natural drainage, flooding hazard.	Severe, high water table, poor natural drainage, flooding hazard.	Severe, high water table, poor natural drainage, flooding hazard.
DyE	Severe, slope	Severe, slope	Severe, slope
Ls	Severe, moderately high water table, moderately from permeability, flooding hazard.	Severe, flooding hazard	Severe, flooding hazard



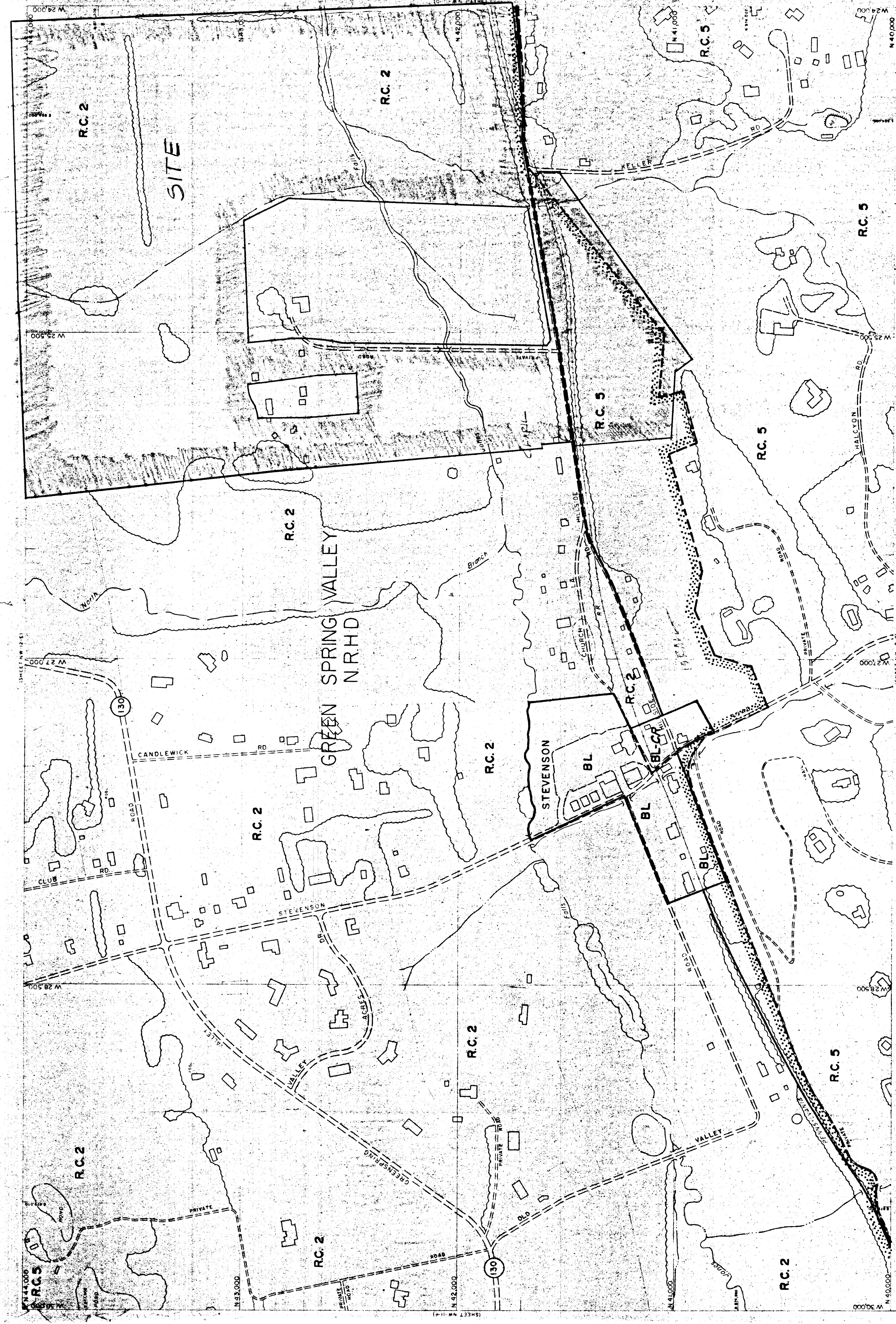
DEVOLUTION OF TITLE

- ITEM 1  
PROPERTY AS OF NOVEMBER 23, 1974  
10.000 Acres
- OUT-CONVEYANCES  
1. 10.000 Acres to LEE CLARK, JR.  
2. 2.000 Acres to LEE CLARK, JR.  
3. 2.000 Acres to LEE CLARK, JR.  
4. 2.000 Acres to LEE CLARK, JR.  
5. 2.000 Acres to LEE CLARK, JR.  
6. 2.000 Acres to LEE CLARK, JR.  
7. 2.000 Acres to LEE CLARK, JR.  
8. 2.000 Acres to LEE CLARK, JR.  
9. 2.000 Acres to LEE CLARK, JR.  
10. 2.000 Acres to LEE CLARK, JR.
- ITEM 2  
HELD INTACT SINCE SEPTEMBER 17, 1956.
- ITEM 3  
HELD INTACT SINCE OCTOBER 6, 1961.

SYMBOLS LEGEND

- EXISTING WELL  
EXISTING CLEANOUT  
PROPOSED PERC TEST  
PASSED PERC TEST  
FAILED PERC TEST
- SOIL LINE  
MOODS LINE  
LIMIT OF WETLANDS  
EXISTING PAVING  
NATURAL BOUNDARY LINE  
ZONE LINE  
100-YEAR FLOOD BOUNDARY
- DENSITY CALCULATIONS
- ITEM 1  
GROSS AREA  
AREA IN R.C. 2  
TOTAL LOTS PERMITTED  
TOTAL LOTS PERMITTED
- ITEM 2  
GROSS AREA  
AREA IN R.C. 2  
TOTAL LOTS PERMITTED  
TOTAL LOTS PERMITTED
- ITEM 3  
GROSS AREA  
AREA IN R.C. 2  
TOTAL LOTS PERMITTED  
TOTAL LOTS PERMITTED





# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

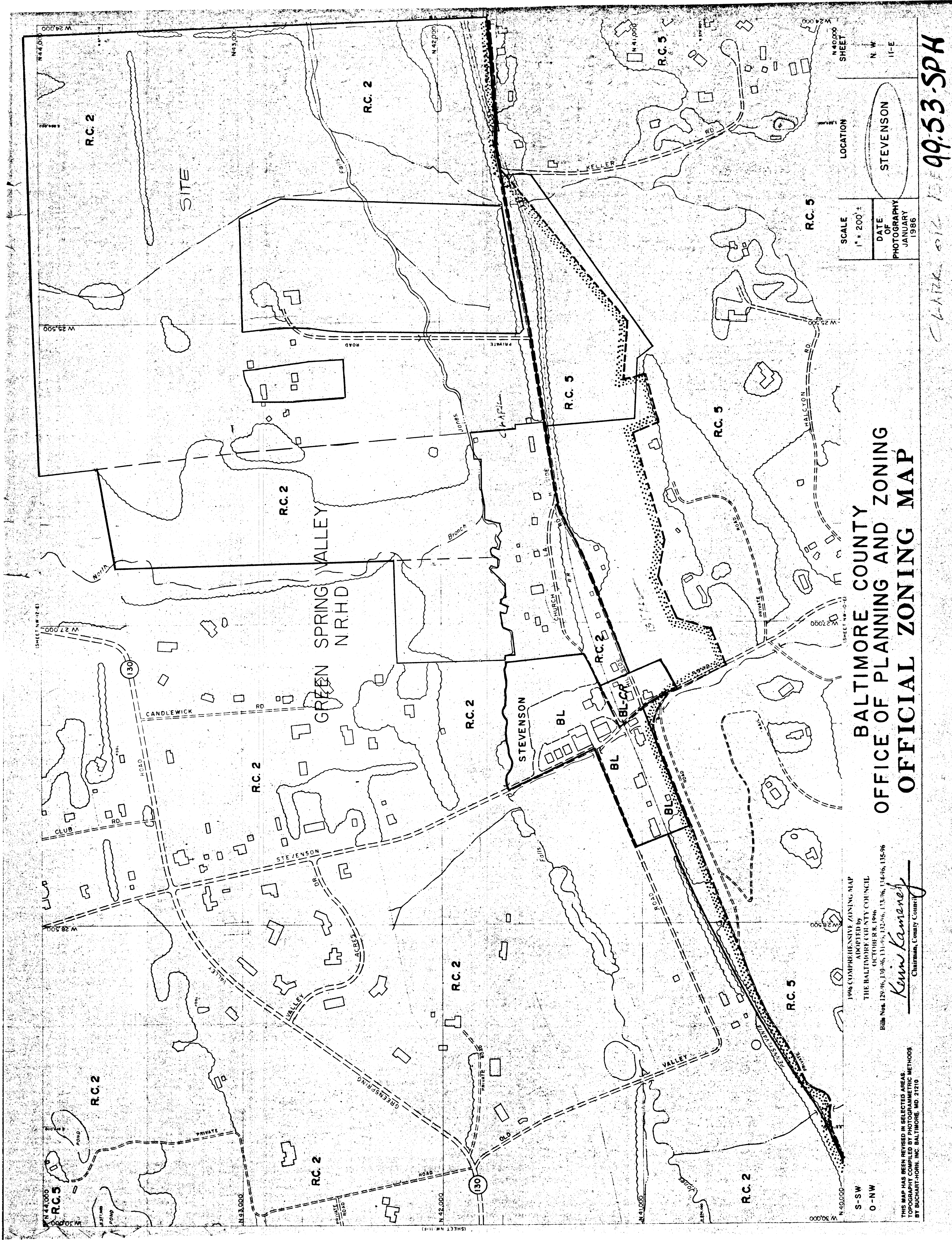
1996 COMPREHENSIVE ZONING MAP  
ADOPTED BY  
THE BALTIMORE COUNTY COUNCIL  
OCTOBER 18, 1996  
Hills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96  
*Kevin Kamey*  
Chairman, Council

SCALE  
1" = 200' ±  
DATE  
OF PHOTOGRAPHY  
JANUARY 1986  
LOCATION  
STEVENSON  
SHEET  
N 40,000  
W 24,000  
N 41,000  
W 25,000  
N 42,000  
W 26,000  
N 43,000  
W 27,000  
N 44,000  
W 28,000  
N 45,000  
W 29,000  
N 46,000  
W 30,000

S-SW  
O-NW  
THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

99-53-SPH





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1996 COMPREHENSIVE ZONING MAP  
ADOPTED BY  
THE BALTIMORE COUNTY COUNCIL  
OCTOBER 18, 1996  
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

*Kevin Kamenev*  
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE 1" = 200'	DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION STEVENSON	

99.53-SPH